No. 185

FILED
JUL 10 1951
CHARLES ELMORE CROPLEY
CLERK

IN THE

Supreme Court of the United States

FARA INVESTORS, INC.,

Petitioner,

against

MORRIS LOURIE, LENA GLANTZ and JOSEPH BORNHOLZ,

Respondents.

APPENDIX TO RECORD ON APPEAL

HENRY N. RAPAPORT,
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New York 16, New York,
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BATAVIA TIMES, LAW PRINTERS,
BATAVIA, N. Y.

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Decision of Court of Appeals of State of New York

COURT OF APPEALS

STATE OF NEW YORK, ss:

PLEAS in the Court of Appeals, held at Court of Appeals Hall, in the City of Albany, on the 12th day of April in the year of our Lord one thousand nine hundred and fifty-one, before the Judges of said Court.

WITNESS,

The Hon. John T. Loughran,
Chief Judge, Presiding

Raymond J. Cannon, *Clerk*

Remittitur April 13, 1951.

———o———

FARA INVESTORS, INC.,

Appellant,

against

MORRIS LOURIE, & ors.,

Respondents.

———o———

Be it Remembered, That on the 13th day of February in the year of our Lord One Thousand nine hundred and fifty-one, Fara Investors, Inc., the appellant in this cause, came here unto the Court of Appeals, by Rapaport Brothers, its attorneys, and filed in the said Court a Notice of Appeal and return thereto from the judgment of the Supreme Court, Bronx

And Morris Lourie & ors., the respondents in said cause, afterwards appeared in said Court of Appeals by Morton A. Bernstein, their attorney.

Which said Notice of Appeal and the return thereto, filed as aforesaid, are hereunto annexed.

WHEREUPON, The said Court of Appeals having heard this cause argued by Mr. Henry N. Rapaport, of counsel for the appellant, and submitted for the respondents, and after due deliberation had thereon did order and adjudge that the judgment appealed from herein be and the same hereby is affirmed, with costs.

And it was also further ordered, that the records aforesaid, and the proceedings in this Court, be remitted to the said Supreme Court, there to be proceeded upon according to law,

THEREFORE it is considered that the said judgment be affirmed, with costs, as aforesaid.

AND hereupon, as well the Notice of Appeal and return thereto aforesaid as the judgment of the Court of Appeals aforesaid, by it given in the premises, are by the said Court of Appeals remitted into the Supreme Court of the State of New York before the Justices thereof, according to the form of the statute in such case made and provided, to be enforced according to law, and which record now remains in the said Supreme Court, before the Justices thereof, &c.

RAYMOND J. CANNON
Clerk of the Court of Appeals of the State of New York.

Order Amending Remittitur.

Court of Appeals,
Clerk's Office,
Albany, April 13, 1951.

I hereby Certify, that the preceding record contains a correct transcript of the proceedings in said cause in the Court of Appeals, with the papers originally filed therein, attached thereto.

RAYMOND J. CANNON
(SEAL OF THE COURT) *Clerk.*

Order Amending Remittitur

STATE OF NEW YORK,

IN COURT OF APPEALS

At a Court of Appeals for the State of New York, held at Court of Appeals Hall in the City of Albany, on the first day of June A. D. 1951.

Present: Hon. John T. Loughran, *Chief Judge, Presiding.*

———o———

FARA INVESTORS, INC.,
Appellant,

vs.

MORRIS LOURIE, and others,
Respondents.

———o———

A motion to amend the remittitur having heretofore been made herein upon the part of the appellant, papers having

been submitted thereon and due deliberation having been thereupon had, it is

ORDERED, that the said motion be and the same hereby is granted and the remittitur amended by adding thereto the following:

> Upon this appeal there was presented and necessarily passed upon a question of the constitutionality of a Frderal statute, namely, Section 203(b) of the Housing and Rent Act of 1949. This Court held that the Federal statute was not unconstitutional as violative of the Fifth Amendment of the Constitution of the United States.

AND, the Supreme Court, Bronx County, is hereby requested to direct its Clerk to return said remittitur to this Court for amendment accordingly.

A copy

(SEAL OF COURT)

GEARON KIMBALL
Deputy Clerk.

Order of O'Brien, J.

At a Stated Term of the Supreme Court of the State of New York, County of Bronx, held in the Courthouse 851 Grand Concourse, Borough of Bronx, City of New York, on the 28 day of June, 1951.

Present: Hon. Kenneth O'Brien, *Justice.*

———o———

FARA INVESTORS, INC.,

Plaintiff,

against

MORRIS LOURIE, LENA GLANTZ and JOSEPH BORNHOLZ,

Defendants.

———o———

The above named defendant having appealed to the Court of Appeals of the State of New York from a judgment entered in this Court on the 10th day of August, 1950, and the said appeal having been argued in the Court of Appeals on March 14th, 1951, and after due deliberation, the Court of Appeals having

ORDERED AND ADJUDGED that said judgment so appealed be affirmed with costs and Judgment entered for the defendants with costs and having further

ORDERED AND ADJUDGED that the proceedings therein be remitted to the Supreme Court of the State of New York and to be proceeded upon according to law.

NOW on reading and filing the remittitur from the said Court of Appeals herein and upon motion of Morton A. Bernstein, attorney for the defendants herein, it is hereby

Order of O'Brien, J.

ORDERED that the judgment of the said Court of Appeals be and the same hereby is made the Order and Judgment of this Court.

Enter

KOB
J. S. C.